

1 DRAFT

2 BOARD OF SELECTMEN

3 TOWN OF SANDOWN, NH

4 SANDOWN, NH 03873

5  
6 **Meeting Date: May 22, 2017**

7 **Type of Meeting: Regular Meeting and Public Hearing**

8 **Method of Notification: Public Posting at Town Hall**

9 **Meeting Location: Town Hall**

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11  
12 **Members Present:** Selectman Goldman, Selectman Cleveland, Selectman Brown and  
13 Selectman Tombarello

14 **Town Administrator:** Lynne Blaisdell

15 **Recording Secretary:** Sue Reynolds

16  
17 Selectman Goldman called the meeting to order at 7:00pm and the Pledge of Allegiance was  
18 done.

19  
20 Selectman Goldman asked the Board to review the minutes of May 1, 2015 meeting.

21 **Motion by** Selectman Tombarello to accept the minutes of the May 1, 2015 meeting as  
22 written.

23 **Seconded by** Selectman Cleveland

24 **In Favor** Selectman Goldman, Selectman Tombarello, Selectman Cleveland and Selectman  
25 Brown

26 **Motion passes unanimously**

27  
28 **PUBLIC COMMENT**

29 Selectman Brown stated at the beginning of each month he would like to recognize the  
30 longevity of the town's employees and would like to acknowledge the following employees  
31 for the month of May.

32 Bob Bogash 5 years, Andrea Carnes 6 years, Steven Winter 8 years, Fire Chief Bill Tapley 9  
33 years and Michael Devine 11 years of service. He congratulated all of them.

34  
35 Lynne Wednesday, May 24<sup>th</sup> blood drive at the fire station from 2-7pm.

37 This Monday, May 29<sup>th</sup> is the Memorial Day parade and ceremony starting at noon. If you  
38 wish to march you will line up at the Sandown Depot at 11:30. The parade will stop at the  
39 monument at Town Hall then to the cemetery for a ceremony.

40

41 Channel 17 has installed new software and equipment and is letting the public know if you  
42 use the town website to watch past meetings there are 2 different tabs, one allows you to  
43 watch meetings form May 1<sup>st</sup> to present and the other is to watch meetings prior to May 1<sup>st</sup>.

44

45

#### 46 **Arthur Genualdo to discuss 2017 Road Improvement Plan**

47 Arthur said he would like to present a new plan to the Board regarding information he  
48 received from Busby Construction. He said the plan is to grind and pave Little Mill Rd and  
49 overlaying Stage Coach Rd. Paul & Harold from Busby Construction came to the table to  
50 discuss this as well. Paul said he spoke with Keach Nordstrom regarding reclaiming the  
51 road and fixing 2 cross pipes. He said based on the location of the pit and gravel source  
52 there is a large savings to the town. Selectman Goldman asked if the amount of the savings  
53 is \$20,000.00 and Paul said yes. Paul said the other savings is about \$10,000.00 because  
54 they did the site walks as well that the Town Engineer didn't have to do. Arthur is asking  
55 the Board if it is okay to move forward with Love Lane's overlay as well using his Block  
56 Grant money. Artie is suggesting that they don't go out to bid on this project as we would  
57 save about \$30,000.00 and then do Love Lane for about \$10,000.00.

58 Selectman Brown said he appreciates the discount and the work that Busby has put into the  
59 proposal but he feels they would be doing the town a disservice if they didn't follow their  
60 own bid process. Selectman Tombarello asked when this would take place and Paul said  
61 they are booking out to August & September but can make accommodations for a good  
62 client. Selectman Tombarello is torn between allowing Busby to take the bid without the  
63 bid process because he likes the amount of the savings but understand as well that there is  
64 a policy in place to go out to bid on anything over \$5,000.00. Paul explained that the same  
65 thing happens in other towns they service as well. He explains that Sandown did go  
66 through the bid process last year and understands the procedures and they try to offer  
67 whatever savings they can.

68 Selectman Goldman said the town has worked with Busby for a number of years and they  
69 usually choose Busby over the other bids received so because of the \$30,000.00 proposed  
70 savings he is okay with accepting this offer.

71 Selectman Cleveland said he feels like they should follow the bid process however this is a  
72 significant savings and feels like it is the best thing to do for the town. Artie explained that  
73 the did this process last year and when they opened the rebid project the prices had  
74 increased and felt this was a very aggravating process. He said he feels like he has a good  
75 working relationship with Busby, he hasn't had any issues and they are decreasing their  
76 prices for this project and feels like the Board should accept this proposal.

77 Paul said with the timing of this project pricing will most likely increase and he gives good  
78 pricing to those customers he works closely with. Selectman Tombarello said he would  
79 support this because of the amount of savings to the taxpayers.

80 Selectman Brown said no disrespect to Busby Construction but this is a half a million-dollar  
81 contract and appreciates their efforts but he can't approve this without going out to bid  
82 because of the town's bid process.

83 **Motion by** Selectman Tombarello to grant Busby Construction Part A Little Mill Rd. and  
84 Part B Stage Coach Rd., totaling \$505,096.30 and Love Lane for \$10,950.00. Love Ln  
85 \$10,950.00

86 **Seconded by** Selectman Goldman  
87 Selectman Cleveland isn't comfortable with approving this without following the bid  
88 process.

89 **In Favor,** Selectman Tombarello and Selectman Goldman

90 **Opposed** Selectman Cleveland and Selectman Brown

91 **Motion fails 2-2-0**

92 The decision was to put this out to bid.  
93  
94

95 Artie asked the Board if they would like to address the letter they received from the  
96 president of the garden club. Artie said he is very upset with some of the information listed  
97 in the letter. Selectman Goldman suggests putting this on the agenda for the next meeting  
98 to give the board members a chance to read the letter and look at the garden.  
99

100  
101 **Bob Brouder, Member of the Historical Society to discuss the possibility of security**  
102 **cameras**

103 Selectman Goldman said this is not taking place this evening.  
104

105 This item was added late to the agenda  
106

107 Selectman Goldman said he is the liaison to Code Enforcement and asked Paul Bernier to  
108 come to the table to discuss a situation regarding some building taking place on a lot near  
109 his home. Selectman Goldman said he met with Paul, Andrea, Lynne and Bob Bogash to  
110 clarify some of his questions and invited him to a meeting to discuss this with the Board.  
111 Paul came to the table to explain an erroneously issued building permit and a variance  
112 issued years ago. Paul said a couple purchased 5 lots in the early 2,000's and went to the  
113 ZBA looking for a variance because it was not a large enough lot to build. When the  
114 application was presented the setbacks were going to be met. He presented the application  
115 for the building permit and the property was stated the property was 250 x 112, and all  
116 seemed ok. They were granted a variance because their lot was not large enough. As it  
117 turns out they only purchased 2 lots therefore their variance shouldn't have happened.  
118 Paul is concerned that the foundation is within 15 ft of his property line and has issues with  
119 the setbacks as well. He said he spoke with Bob Bogash and Bob said that the variance is in  
120 the file so he had to issue the permit. Selectman Goldman said he doesn't think the Board  
121 can make a decision on this tonight and Paul said he wanted to bring this to the Board's  
122 attention because a precedence is being set with this. He then explains with additional  
123 changes to the property regarding the lot line adjustment they went from 112 feet of

124 setback to 10 feet. He is concerned because the variance was issued on a non-conforming  
125 lot.

126 Selectman Goldman explained he's not sure that the BOS can do anything with this because  
127 of the dates going so far back. He asked if they thought Paul should go see the ZBA and the  
128 Board agrees and Lynne asked the Board to approve the ZBA to contract the attorney  
129 regarding to this issue if needed. The consensus of the Board is okay with this.

130

131

132 **Jeff & Heidi Chaput to discuss town beach located on Pillsbury Rd (Tax Map/Lot 25-**  
133 **21-1)**

134 Heidi stated the property was sold at auction and given back to the town. She referred to a  
135 quick claim deed stating the deeded property owner's rights would be protected. Heidi  
136 referred to letter from the town attorney stating this situation doesn't alter their rights and  
137 the deeds can't be changed without the neighbor's consent. Heidi said this has come up  
138 several times in the past.

139 Peter Kirk, resident in Sandown, owns property in this area as well. He said for some  
140 reason this piece of property never made it onto the tax rolls and there was debate over  
141 who had rights to use it and who didn't. He said the town sold it to his parents and they in  
142 turn gave it back to the town to be used for recreational purposes with certain stipulations.  
143 He said anyone that has a deeded right of access from the 1950's has the right over that  
144 property regardless of timing.

145

146 It was suggested to have a chain and padlock with 13 keys that say do not duplicate.  
147 Lynne believes the lock is on order. Selectman Goldman suggested that Chief Gordon get a  
148 padlock this week. Heidi is concerned because there is a sign posted that says no boat  
149 launching and feels there will continue to be a problem. Lynne asked what are reasonable  
150 restrictions that are mentioned in the letter they are referring to and Peter Kirk said it is  
151 reasonable to have boat launching early in the morning and later in the afternoon/evening.  
152 Jeff said he is bothered by this because none of the residents were notified regarding these  
153 changes. Lynne suggested having the residents affected by this create a home owner's  
154 association and purchase the land from the town and Jeff said they have tried to do this  
155 several times and has never passed by the voters. Lynne said Peter's mother signed a  
156 reverter release with the registry of deeds and Peter said this was news to him, Lynne said  
157 she was going to show him after the meeting.

158 Selectman Goldman if the Board is okay with doing what he needs to do to make this area  
159 accessible to those deeded property owners. The consensus of the Board is okay with this  
160 and Lynne said she will reach out to Chief Gordon tomorrow.

161

162 There was a 5-minute recess at this time.

163

164 **Motion by** Selectman Tombarello to accept a set of non-public minutes of Monday, May 1,  
165 2017 as read.

166 **Seconded by** Selectman Cleveland

167 ***In Favor***, Selectman Brown, Selectman Cleveland, Selectman Goldman and Selectman  
168 Tombarello.

169 ***Motion Passes unanimously***

170

171 **Further discussion regarding request to hold special election for District 4 State**  
172 **Representative after passing of Rep. William Polewarczyk**

173 Lynne laid out the process of a special election stating there may or may not be a need for a  
174 primary election. This election can be hand counted and the ballot clerk requirement is 2, 1  
175 per each party. If one town declares the election all 3 have to hold it. Auburn and Chester  
176 are not making a decision at this time and they are waiting to see what the other town's do.

177 Kevin Major said the new representative would not realistically be elected until  
178 September/October, which is already one year into the term. Kevin stated once the person  
179 is elected they would serve on an assigned committee based on their background.

180 Committees start on meet in August and they would miss the general bill filing deadline but  
181 would be able to vote. He said they currently have 4 representatives and asked Lynne what  
182 the turnout is for special elections and she said the last time they held a special election  
183 there were about 66 votes. The cost for a special election would be about \$2,000.00, which  
184 is not in the budget. Jim Devine said there was a special election several years ago and the  
185 candidate received a total of 67 total votes in all 3 towns. Selectman Tombarello said he  
186 would be in favor of holding this special election and Selectman Brown and Selectman  
187 Cleveland agree. The term of the election would be until November 2018. Selectman  
188 Tombarello said this would be a state representative from Sandown and would be in favor  
189 of holding this special election that Jim Devine is requesting, Selectman Brown and  
190 Selectman Cleveland agree. Selectman Goldman said he's not sure if he would be in favor of  
191 holding this election because of the amount it will cost relative to the number of voters.

192 ***Motion by*** Selectman Tombarello that Sandown petition the Governor and Executive  
193 Counsel to hold a special election in the passing of Representative William Polewarczyk in  
194 District 4 for State Representative.

195 ***Seconded by*** Selectman Brown

196 Selectman Goldman asked where the money comes from and Kevin said there is no money  
197 in his budget and Selectman Goldman said the Moderator's budget should reflect this  
198 amount. He said this will come from the bottom line of the overall budget but would like to  
199 see the Moderator's budget be reflected as being over budget.

200 ***In favor***, Selectman Goldman, Selectman Tombarello, Selectman Cleveland and Selectman  
201 Brown.

202 ***Motion passes 4-0-0***

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205 **Further discussion regarding open Selectman position**

206 Selectman Brown said again that the Board should formally announce that they are seeking  
207 a 5<sup>th</sup> selectman an allow letters of interest to be submitted within a certain time period.

208 Selectman Tombarello said he is in favor of choosing the person that came in next on the  
209 ballot as the new selectman or he is prepared to carry on as a four member board.

210 Selectman Cleveland feels it should go to the next vote getter as this is the best way  
211 democratically to handle.

212 Selectman Goldman feels that this position should be posted as well.

213 Donna Green came to the table to state that if they do post the position how do they decide  
214 what applicant to accept, she also stated it would be a good idea to draft a policy to bring to  
215 a warrant article to have a standard operating procedure under these conditions. She also  
216 said she hopes the Board would consider Cindy Buco not only because she was on the  
217 Board prior and she was also an instrumental member of the School Board CIP. She hopes  
218 she will still be allowed to be on the CIP even if she isn't appointed to the open position.

219 Tony Piemonte, resident of Sandown asked about the mechanics of the 2-2 votes. He said  
220 the town can't continue to go on with split votes and feels prolonging this is ludicrous.

221 Selectman Goldman said there is now a four member board and they realistically have 2  
222 choices, either appoint a new member or not. He said there needs to be a 3-1 majority and  
223 explained what happened last week with the motions that were made and failed. He said if  
224 other selectman want to answer as to how or why they voted the way they did he would  
225 leave that up to them.

226 Tony said if you open this up to the public then you could have people leaving one  
227 committee to another and leaving vacant positions in other committees and feels Cindy  
228 should be appointed to the open position.

229 Lorna Walker came to the table to read a letter she wrote to the Board. She is concerned  
230 that there is an argument being made that the seat should go to the person that received  
231 the next highest votes from the election in March. She feels there are no runners up in  
232 elections and there is no entitlement to fill a seat because they almost won. She referred to  
233 the Town of Sandown's Ethics Policy and said it is a real, relevant and very important  
234 document. She referred to Mrs. Buco voting for a position that her husband was recently  
235 promoted into and feels that she should have recused herself from the discussion abstained  
236 from that vote. She asks that the vacancy be posted and if a decision is made tonight to  
237 appoint a new selectman she asked the Board to consider the consequences of their votes.  
238 She is asking that Mr. Devine be appointed to the position as he has a long and loyal  
239 interest in serving the town.

240 Cindy Buco came to the table to defend the comments that were made against her. She said  
241 when the position was voted on in the police department there wasn't a person associated  
242 with the position. She said that there was an exam that had to be taken and wasn't given to  
243 anyone at that time and individuals had to qualify for that position. She said when she  
244 voted on that position there was no way for her to know that he would qualify for the  
245 position. She said he was a union member and she had no knowledge that he would have  
246 received that position and no member of the Board suggested that there was any conflict of  
247 interest when it came to a vote. She said she recused herself during the union contract  
248 negotiations because her husband was in the union at that time and she felt it would have  
249 been a conflict of interest. She said as a Board her fellow selectman would have brought  
250 this to her attention if they felt it was a conflict of interest. She said there is an open  
251 position on the Board and needs to be filled. She said because of the number of votes that  
252 she received she is asking that this be respected and appoint her to this position.

253 Cliff Ellison resident of the town is upset because the public could not get out to vote on  
254 election day. He is asking the Board to consider and try to find a compromise and is asking  
255 the Board to break the 2-2 tie by creating a Board to give the BOS suggestions regarding the  
256 qualifications they will be looking for in that new board member.

257 Selectman Cleveland said he is not against posting it and the criteria is still subjective and  
258 they have the will of the people from the last election. Selectman Brown said the will of the  
259 people was served and there are no runners up in an election. He reiterated we are moving  
260 into a summer schedule and doesn't feel there is anything pressing that needs an  
261 immediate decision tonight. He doesn't see a problem interviewing other towns people  
262 that might be interested. Selectman Cleveland said he is pushing for this because of the  
263 number of votes, not because of the person in that position. He told Selectman Brown that  
264 if it were him he would be pushing for him as well. Selectman Goldman said that this is  
265 politics and the will of the people was served at the last election. There were 2 open  
266 positions and they were both filled. He said this position hasn't been published yet and  
267 feels in the nature of transparency it should be published.

268 Tony Piemonte came back to the table and asked how long it takes for a new selectman to  
269 come up to speed. Selectman Brown said this is the third time on this board and the first  
270 time he listened and asks questions and made decisions on what he thought would be best  
271 for the town. Selectman Cleveland said it is a bit of a learning curve and finds the  
272 information shared in the non-public sessions because it is not shared.

273 Selectman Tombarello said he is becoming fed up with all of the little instances they are  
274 dealing with and would like to talk about the more important things like the increase in  
275 taxes. He said he would like to focus on the 3.5 million-dollar budget. He said if Cindy Bucu  
276 decided today that she doesn't want the position his next choice would be Jim Devine. He  
277 said he is not in favor of receiving letters of intent from others that weren't on the ballot.

278 Cathy Gorman came to the table to say this is the third time it is on the agenda and second  
279 week in a row this has been discussed and there still have been no additional letters of  
280 intent and doesn't understand why they are waiting to put out letters when they already  
281 have three to choose from.

282 Selectman Brown asked what is the worst possible thing that can happen if the decision  
283 was delayed for 2 weeks. Selectman Goldman said he is okay with waiting the 2 weeks and  
284 feels that they may not get any more interest and feels it is right to post the position and be  
285 transparent. Selectman Cleveland said he's okay with waiting the 2 weeks. Selectman  
286 Tombarello said he is standing firm and is okay with having the next highest vote getter  
287 take that position.

288 **Motion by** Selectman Brown to advertise this position in local newspapers and on the town  
289 website with a cutoff date of June 1<sup>st</sup> and interview potential candidates on June 5<sup>th</sup> and  
290 made a decision that evening.

291 **Seconded by** Selectman Goldman for discussion

292 Selectman Brown suggested having the interviews that evening and choosing a candidate.  
293 He suggested advertising until a deadline of June 1<sup>st</sup>.

294 Michael Costanzo came to the table concerned that he is seeing a broken board and this  
295 could be the same thing in 2 weeks. He feels that a resolution should be made proactively  
296 and promptly.

297 ***In favor*** Selectman Brown and Selectman Goldman  
298 ***Opposed*** Selectman Tombarello and Selectman Cleveland  
299 ***Motion failed 2-2-0***  
300 Selectman Brown suggested running the summer with a four-person board and put this on  
301 the agenda in the fall and address it then.  
302 Selectman Cleveland said they are supposed to be a five-person board and is concerned  
303 that if they are having this much trouble with this, what happens with future issues that are  
304 harder than this.  
305 Donna green asked about having a local election along with the state election and Lynne  
306 said she thinks this is possible but the election wouldn't take place until October if there is  
307 a need for a primary election.  
308 Selectman Goldman said he will not be voting for any of the 3 applicants because of  
309 feedback that he has received from his supporters.  
310 ***Motion by*** Selectman Brown to advertise in the paper and on cable television with a  
311 deadline date of June 1<sup>st</sup> to submit letters of intent with a discussion and decision to take  
312 place on June 5<sup>th</sup>.  
313 ***Seconded by*** Selectman Cleveland only to move this forward.  
314 ***In favor*** Selectman Cleveland, Selectman Goldman and Selectman Brown  
315 ***Opposed*** Selectman Tombarello  
316 ***Motion passed 3-1-0***

317  
318

## **NEW BUSINESS**

320 **Discussion regarding Timberlane School Districts CIP Committee**  
321 Selectman Tombarello said Sue Sherman is looking for a BOS member and he is asking the  
322 Board to appoint him to this position. He said currently Cindy Buco is on that committee  
323 and is asking for the Board's permission to be on this committee as well, he feels the more  
324 representation from Sandown the better. He also said with his background in contactor  
325 and electrician he would be a valuable part of the committee.  
326 Selectman Brown asked how many reps from each town are they looking for and Donna  
327 Green said it is 1 representative from each town and 1 school board member from each  
328 town.  
329 Cindy Buco came to the table to say she has been on the CIP since 2014 and served as the  
330 liaison to the Planning Board at that time. She said she would like to continue in this  
331 capacity.  
332  
333 ***Motion by*** Selectman Tombarello to appoint Cindy Buco to the School District CIP  
334 Committee  
335 ***Seconded by*** Selectman Brown  
336 ***In favor*** Selectman Brown, Selectman Cleveland, Selectman Goldman and Selectman  
337 Tombarello  
338 ***Motion passes unanimously***  
339



340 Cindy Buco said the reason this came up was because the School Board wasn't sure how  
341 Sandown wanted to handle this because Cindy was no longer on the Board of Selectmen.  
342 She said that if Selectman Tombarello wanted to be part of the committee that would be  
343 good too.  
344 Motion by Selectman Goldman to appoint Selectman Tombarello as the liaison to the School  
345 Board CIP committee.  
346 There was no second to this motion.  
347 Selectman Tombarello said he is good with either position. Cindy Buco said she will ask at  
348 the next CIP meeting and let the Board know.

349  
350

### 351 **CORRESPONDENCE**

352 Lynne said she received a letter from the TRHS inviting Board to the high school graduation  
353 on June 10<sup>th</sup> at 10am. Let Lynne know if you would like to attend.

354

355 Lynne said she received a memo from Steve Keach, the town engineer regarding an  
356 investigation by the code enforcement officer on lot 18-1 and there is no violations at this  
357 time after reviewing the information provided and looking at the lot.

358

359 Letter from the Zoning Board regarding a public hearing being held on May 25<sup>th</sup> at 7pm for  
360 several properties in town.

361

362

### 363 **TOWN ADMINISTRATOR'S REPORT**

364 Lynne said last Monday she worked with John regarding the renovations.

365 Worked on the Right to Know request regarding Pillsbury Rd.

366 She said Dan Simone's power washing the town's buildings.

367

368

### 369 **LIAISON REPORT**

370 Selectman Tombarello thanked fire dept. and police in the fire that happened last Monday  
371 night.

372 Selectman Brown - ZBA meeting this Thursday

373 Selectman Cleveland - spoke with Chief Gordon regarding the Pillsbury Rd issue and he  
374 received an email from the auditors and their recommendations.

375 Lynne elaborated they suggested to look at the internal control policy and how the  
376 procedures are working. She said there is one policy that was obsolete and she and Cheryl  
377 looked at them and made some changes.

378 Selectman Goldman - had nothing new to report

379 He apologized to the Board for leaving the meeting early last week but there was an  
380 emergency he needed to attend to and doesn't make it a habit of leaving meetings abruptly.

381

382

383

384 **Motion by** Selectman Brown to go into non-public session under RSA 91A:3II (a) employee  
385 matters

386 **Seconded by** Selectman Cleveland

387 **Roll Call**, Selectman Brown – yes, Selectman Cleveland – yes, Selectman Goldman - yes and  
388 Selectman Tombarello – yes.

389 **Motion passes unanimously**

390

391 Selectman Goldman stated that while in the non-public session no action was taken.

392

393 **Motion by** Selectman Tombarello to accept the second set of non-public minutes of  
394 Monday, May 1<sup>st</sup> as written.

395 **Seconded by** Selectman Brown

396 **In favor**, Selectman Goldman, Selectman Brown, Selectman Cleveland and Selectman  
397 Cleveland.

398 **Motion passes unanimously**

399

400

401 **Motion by** Selectman Goldman to adjourn.

402 **Seconded by** Selectman Cleveland

403 **In favor**, Selectman Goldman, Selectman Brown, Selectman Cleveland and Selectman  
404 Cleveland.

405 **Motion passes unanimously**

406

407

408 Respectfully Submitted,

409

410

411

412 Sue Reynolds